

**CITY MANAGER'S REPORT
MAY 16, 2022 CITY COUNCIL SPECIAL MEETING**

ITEM: **PUBLIC HEARINGS (PUBLISHED NOTICES) TO ADOPT AN URGENCY ORDINANCE AND CONSIDER A REGULAR/STANDARD ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LATHROP ADOPTING A POLICY FOR THE USE OF MILITARY EQUIPMENT BY THE NEW LATHROP POLICE DEPARTMENT**

RECOMMENDATION: **The Council to Consider the Following Items:**

- 1. Hold a Public Hearing; and**
- 2. Adopt Urgency Ordinance Amending Title 9 "Public Peace and Welfare" of the Lathrop Municipal Code by Adding New Chapter 9.20 Titled "Military Equipment Use Policy" to Establish a Policy for the Proper Use, Funding and Acquisition of Military Style Equipment as Set Forth by Assembly Bill 481 (Chieu)**
- 3. Hold a Public Hearing; and**
- 4. First Reading and Introduction of an Ordinance Amending Title 9 "Public Peace and Welfare" of the Lathrop Municipal Code by Adding New Chapter 9.20 Titled "Military Equipment Use Policy" to Establish a Policy for the Proper Use, Funding and Acquisition of Military Style Equipment as Set Forth by Assembly Bill 481 (Chieu)**

SUMMARY:

A recently implemented State law, California Assembly Bill 481 (AB-481), codified in California Government Code sections 7070-7075, requires local Police Departments to implement a new military equipment use policy via ordinance.

Staff is requesting that the City Council hold a public hearing, and consider an Urgency Ordinance adopting the new Lathrop Police Department Military Equipment Policy, effective immediately through July 15, 2022. A minimum of four (4) affirmative votes of Council members are required to approve the proposed Urgency Ordinance.

Additionally, staff recommends that the City Council hold a second public hearing, introduce, and conduct the first reading of an Ordinance adopting the new Lathrop Police Department Military Equipment Policy. Council is also asked to set the second reading and adoption of the Ordinance for the Regular Meeting of June 13, 2022. This ordinance will become effect on the 31st day after the second reading, specifically July 14, 2022. The adoption of the Urgency Ordinance would allow Officers to be in compliance with the new law should certain equipment on the list be needed prior to July 15, 2022, when the regular Ordinance goes into effect.

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PUBLIC HEARINGS TO CONSIDER URGENCY & REGULAR ORDINANCE FOR
USE OF MILITARY EQUIPMENT BY THE NEW LATHROP POLICE DEPARTMENT

BACKGROUND:

Assembly Bill 481 Background

On September 30, 2021, Governor Newsom signed into law seven (7) major peace officer reform bills, including Assembly Bill 481, which was authored by Assembly Member David Chieu to address the funding, acquisition and use of items lawmakers deem to be considered military equipment. This bill requires law enforcement agencies, including the new Lathrop Police Department, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined.

AB 481 requires each law enforcement agency's governing body to adopt a written military equipment use policy by ordinance in a public forum by April 30, 2022, to continue using this previously acquired military equipment, effective May 1, 2022. The Government code states the May 1, 2022 as the deadline for any existing law enforcement agency to begin the governing body approval process if the agency acquired equipment before January 1, 2022.

Since the City of Lathrop is currently transitioning into its own Police Department, with a commission start date of July 1, 2022, and currently under the jurisdiction of the San Joaquin County Sheriff's office, the City has time to establish the military policy outside of the required deadlines. In accordance with AB 481, the new Lathrop Police Department has created a Draft Military Equipment Use Policy and List. Per the statute, "military equipment use policy" means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

1. A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
3. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training (POST), that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

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6. The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

Requirements of AB 481

Assembly Bill (AB) 481 requires each law enforcement agency's governing body to adopt a written military use policy by ordinance in addition to other requirements by the bill. The following are required:

- Publish the draft military equipment use policy to the Police Department's website 30 days ahead of a public hearing to approve the policy.
- Obtain approval by the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. (See definitions below)
- Publish an annual report by the law enforcement agency to include each type of military equipment approved by the governing body.
- Annual review of the military equipment use ordinance by the governing body, and option to either disapprove a renewal of a type of military equipment or amend the military equipment use policy if it determines that the military equipment does not comply with standards for approval.
- Hold at least one well publicized and conveniently located community engagement meeting within 30 days of submitting and publicly releasing the annual military equipment report.

Definition of Military Equipment (Government Code 7070)

AB 481 designates the following 15 categories of items as military equipment:

1. Unmanned, remotely piloted, powered aerial or ground vehicles
2. Mine-resistant ambush-protected vehicles (MRAP) or armored personnel carriers.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.

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4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature.
8. Firearms of .50 caliber or greater, excluding standard issue shotguns.
9. Ammunition of .50 caliber or greater, excluding standard issue shotgun ammunition
10. Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code §30515, with the exception of standard-issue handguns/weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray
13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
14. Projectile launch platforms and their associated munitions including 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight

As mentioned under "Requirements of AB 481", the ordinance is subject to annual City Council review to determine whether, based on an annual military equipment report, the standards set forth in the approving ordinance have been met. The City Council may renew the authorizing ordinance, disapprove authorization for particular military equipment where standards have not been met, or require modifications to this military equipment use procedure to address any non-compliance with standards.

Finally, the bill requires publication of this military equipment use procedure and the annual military equipment report on the Department's website. The military equipment use procedure must be posted on the website at least 30 days prior to the Council meeting. On April 15, 2022, the City issued a press release announcing the launch of the required website page on the City's Police Department Transition page: (<https://www.ci.lathrop.ca.us/city-manager/page/assembly-bill-ab-481>)

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FISCAL IMPACT:

The direct fiscal impact to the City of Lathrop for the AB 481 qualifying equipment owned / to be utilized by the new Lathrop Police Department is listed below (and can be found in Section 1 of the Equipment List (Attachment D)):

Equipment Name	Quantity Owned /Sought	Cost of Equipment
5.56 mm Semiautomatic Rifles and ammo - CA Gov’t Code §7070(c)(10)	35 owned (16”)	Initial cost \$43,124.81; ongoing costs for ammunition will vary; maintenance will be conducted by police department staff.
40mm Launchers and rounds	8	Initial cost \$6,979.20; ongoing costs for ammunition will vary; maintenance will be conducted by police department staff.

From time to time, the new Lathrop Police Department may be required to assist or be assisted by other law enforcement agencies in a formal Law Enforcement Mutual Aid Request, or support with day-to-day operational collaboration. These partnerships with allied law enforcement agencies and the ability to provide mutual aid and operation collaboration is an integral part of maintaining the continuity of public safety within the region. In certain mutual aid operational collaboration circumstances, it may be necessary for the new Lathrop Police Department to utilize military equipment to fulfill an assignment mission (i.e. SWAT/ law enforcement requests or other critical incidents). In those situations, the new Lathrop Police Department sworn staff are required to adhere to the Department’s Military Use Procedures and all related Department policies and procedures, regardless of operational jurisdiction. Conversely, should another law enforcement agency assist in mutual aid request in the City of Lathrop, this proposed procedure has been established to ensure that their use of military equipment is consistent with the guidelines set forth within the new Lathrop Police Department’s Military Equipment Use Policy.

Therefore, the equipment list on Section 2 of the Equipment List (Attachment D) pertains to specialized equipment inventory known to be owned and / or to be utilized by law enforcement agencies, which the new Lathrop Police Department intends to collaborate with and / or may require assistance from, in a mutual-aid situation for enhanced law enforcement services. In which the equipment owned, maintained, and operated belongs to another agency within the mutual aid agreement.

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REASON FOR RECOMMENDATION:

Staff recommends approval of the Urgency and Regular/Standard Ordinance in order for the new Lathrop Police Department to comply with the recently implemented State law, California Assembly Bill 481 (AB-481), codified in California Government Code sections 7070-7075, requiring local Police Departments to implement a new military equipment use policy via ordinance.

ATTACHMENTS:

- A. Urgency Ordinance Approving Amending Title 9 "Public Peace and Welfare" of the Lathrop Municipal Code by Adding New Chapter 9.20 Titled "Military Equipment Use Policy" to Establish a Policy for the Proper Use, Funding and Acquisition of Military Style Equipment as Set Forth by Assembly Bill 481 (Chieu)

- B. Ordinance Approving Amending Title 9 "Public Peace and Welfare" of the Lathrop Municipal Code by Adding New Chapter 9.20 Titled "Military Equipment Use Policy" to Establish a Policy for the Proper Use, Funding and Acquisition of Military Style Equipment as Set Forth by Assembly Bill 481 (Chieu)

- C. AB 481 Draft Policy for the new Lathrop Police Department

- D. AB 481 Equipment List for the new Lathrop Police Department

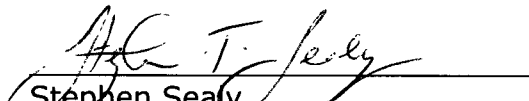
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APPROVALS:




Teresa Vargas
Government Services Director
City Clerk

5/2/2022
Date



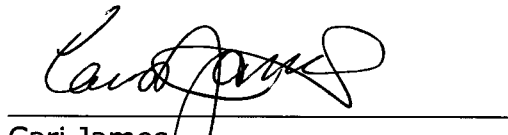
Stephen Sealy
Police Commander

5/09/2022
Date



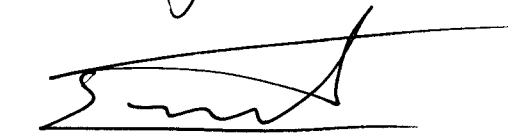
Raymond Bechler
Chief of Police

05/05/22
Date



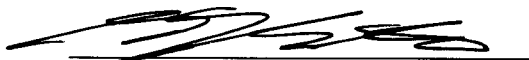
Cari James
Finance Director

5/5/2022
Date



Salvador Navarrete
City Attorney

5-3-2022
Date



Stephen J. Salvatore
City Manager

5.5.22
Date

URGENCY ORDINANCE NO. 22-

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 9 "PUBLIC PEACE AND WELFARE" OF THE LATHROP MUNICIPAL CODE BY ADDING NEW CHAPTER 9.20 TITLED "MILITARY EQUIPMENT USE POLICY" TO ESTABLISH A POLICY FOR THE PROPER USE, FUNDING AND ACQUISITION OF MILITARY STYLE EQUIPMENT AS SET FORTH BY ASSEMBLY BILL 481

WHEREAS, Government Code section 65858 allows a city to adopt an interim ordinance as an urgency measure to prevent a current and immediate threat to the public health, safety or welfare; and

WHEREAS, on September 30, 2021, Governor Newsom signed into law seven (7) major peace officer reform bills, including Assembly Bill (AB) 481 (Sections 7070, 7071, and 7072 to the California Government), which was authored by Assembly Member David Chieu to address the funding, acquisition and use of items lawmakers deem to be considered military equipment; and

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used; and

WHEREAS, AB 481 requires each law enforcement agency's governing body to adopt a written military equipment use policy by ordinance in a public forum by April 30, 2022, to continue using this previously acquired military equipment, effective May 1, 2022; and

WHEREAS, the Government code states the May 1, 2022, as the deadline for any existing law enforcement agency to begin the governing body approval process if the agency acquired equipment before January 1, 2022; and

WHEREAS, the City of Lathrop is currently transitioning into its own Police Department, with a commission start date of July 1, 2022, and is currently under the jurisdiction of the San Joaquin County Sheriff's office, therefore, the City has time to establish the military policy outside of the required deadlines; and

WHEREAS, the City of Lathrop's new Police Department intends to possess certain items of equipment that qualify as "military equipment" under AB 481; and

WHEREAS, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written, military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department's use of such equipment;

WHEREAS, the new Lathrop Police Department has created a draft military equipment use policy, in compliance with AB 481; and

WHEREAS, the Policy and supporting information must be approved by the governing body by ordinance, and reviewed annually; and

WHEREAS, the City Council of the City of Lathrop having received the information required under AB 481 regarding the new Lathrop Police Department's proposed use of military equipment as defined in said law, deems it to be in the best interest of the City to approve the military equipment use policy and List as set forth herein.

WHEREAS, the adoption of the Urgency Ordinance would allow Officers the ability to use specialty equipment listed under the new military equipment use policy should it be required under special circumstances until the regular Ordinance has taken effect; and

WHEREAS, the City Council conducted a duly noticed public hearing and following the hearing of this urgency ordinance will act upon the non-urgency ordinance accepting the requirements under AB 481; and

WHEREAS, the City Council finds that the current and immediate threat to the public health, safety, and welfare exists as described in the findings above, and finds that an urgency ordinance is needed to provide sufficient time for the time for the regular Ordinance to be heard and acted upon by the City Council; and

WHEREAS, the City Council has duly considered all written and verbal testimony presented during this May 16, 2022, public hearing.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop does hereby ordain as follows:

Title 9 of the Lathrop Municipal Code, titled "Public Peace and Welfare" is hereby amended by adding new Chapter 9.20 titled "Military Equipment Use Policy" to read in its entirety as follows"

CHAPTER 9.20 MILITARY EQUIPMENT USE POLICY

9.20.010 Definitions

- A. "Military Equipment" includes all of the following (Per Gov. Code §7070):
1. Unmanned, remotely piloted, powered aerial or ground vehicles.
 2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.

16. Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

B. "Police Department" means any division, section, bureau, employee, volunteer and /or contractor of the new Lathrop Police Department, established July 1, 2022

C. "Military Equipment Use Policy" means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

1. A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
3. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
6. The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

D. "Type" means each item that shares the same manufacturer model number.

9.20.020. Military Equipment Use Policy Approval Requirement

- A. The Lathrop Police Department shall obtain approval of the City Council, by an ordinance adopting a Military Equipment Use Policy at a regular meeting of the City Council, prior to engaging in any of the following:
 - 1. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 - 2. Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
 - 3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
 - 4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the City of Lathrop.
 - 5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council body pursuant to this chapter.
 - 6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.
 - 7. Acquiring military equipment through any means not provided by this section.
- B. In seeking the approval of the City Council, the Lathrop Police Department shall submit a proposed military equipment use policy to the City Council and make those documents available on the City's law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.
- C. The City Council shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:
 - 1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 - 2. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
 4. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
- D. In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

9.20.030. Annual Report Requirements

- A. The Lathrop Police Department shall submit to the City Council an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use.
- B. The Lathrop Police Department shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use.
- C. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
 1. A summary of how the military equipment was used and the purpose of its use.
 2. A summary of any complaints or concerns received concerning the military equipment.
 3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
 5. The quantity possessed for each type of military equipment.
 6. If the Lathrop Police Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

- D. Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the Lathrop Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

9.20.040. Annual Review and Renewal Process of Ordinance Approving the Military Equipment Use Policy

- A. Following submittal of the annual military equipment report required by Section 9.20.030, the City Council shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment.
- B. The governing body shall determine, based on the annual military equipment report submitted, whether each type of military equipment identified in that report has complied with the standards for approval set forth in Section 9.20.20. If the City Council determines that a type of military equipment identified in that annual military equipment report has not complied with the standards required for approval, the City Council shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

Section 2.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability.

If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date.

This Ordinance shall become effective immediately upon passage and adoption if adopted by at least four-fifths (4/5) vote of the City Council and shall be in effect for a period of 95 days from the date of adoption unless sooner terminated or extended by the City Council.

Section 5. Publication.

The Mayor shall sign this Ordinance and the City Clerk shall cause the same to be published within fifteen (15) days after its passage at least once in a newspaper of general circulation published and circulated in the City.

THIS URGENCY ORDINANCE was introduced, **PASSED AND ADOPTED** at the special meeting of the City Council of the City of Lathrop on the 16th day of May 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

ATTACHMENT B

ORDINANCE NO. 22-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 9 "PUBLIC PEACE AND WELFARE" OF THE LATHROP MUNICIPAL CODE BY ADDING NEW CHAPTER 9.20 TITLED "MILITARY EQUIPMENT USE POLICY" TO ESTABLISH A POLICY FOR THE PROPER USE, FUNDING AND ACQUISITION OF MILITARY STYLE EQUIPMENT AS SET FORTH BY ASSEMBLY BILL 481

WHEREAS, on September 30, 2021, Governor Newsom signed into law seven (7) major peace officer reform bills, including Assembly Bill (AB) 481 (Sections 7070, 7071, and 7072 to the California Government), which was authored by Assembly Member David Chieu to address the funding, acquisition and use of items lawmakers deem to be considered military equipment; and

WHEREAS, AB 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used; and

WHEREAS, AB 481 requires each law enforcement agency's governing body to adopt a written military equipment use policy by ordinance in a public forum by April 30, 2022, to continue using this previously acquired military equipment, effective May 1, 2022; and

WHEREAS, the Government code states the May 1, 2022, as the deadline for any existing law enforcement agency to begin the governing body approval process if the agency acquired equipment before January 1, 2022; and

WHEREAS, the City of Lathrop is currently transitioning into its own Police Department, with a commission start date of July 1, 2022, and is currently under the jurisdiction of the San Joaquin County Sheriff's office, therefore, the City has time to establish the military policy outside of the required deadlines; and

WHEREAS, the City of Lathrop's new Police Department intends to possess certain items of equipment that qualify as "military equipment" under AB 481; and

WHEREAS, AB 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written, military equipment use policy document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department's use of such equipment;

WHEREAS, the new Lathrop Police Department has created a draft military equipment use policy, in compliance with AB 481; and

WHEREAS, the Policy and supporting information must be approved by the governing body by ordinance, and reviewed annually; and

WHEREAS, the City Council of the City of Lathrop having received the information required under AB 481 regarding the new Lathrop Police Department's proposed use of military equipment as defined in said law, deems it to be in the best interest of the City to approve the military equipment use policy and List as set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop does hereby ordain as follows:

Section 1.

Title 9 of the Lathrop Municipal Code, titled "Public Peace and Welfare" is hereby amended by adding new Chapter 9.20 titled "Military Equipment Use Policy" to read in its entirety as follows"

CHAPTER 9.20 MILITARY EQUIPMENT USE POLICY

9.20.010 Definitions

A. "Military Equipment" includes all of the following (Per Gov. Code §7070):

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
 10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
 11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
 12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
 13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
 14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
 15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
 16. Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.
- B. "Police Department" means any division, section, bureau, employee, volunteer and /or contractor of the new Lathrop Police Department, established July 1, 2022
- C. "Military Equipment Use Policy" means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:
1. A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
 2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
 3. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
6. The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

D. "Type" means each item that shares the same manufacturer model number.

9.20.020. Military Equipment Use Policy Approval Requirement

- A. The Lathrop Police Department shall obtain approval of the City Council, by an ordinance adopting a Military Equipment Use Policy at a regular meeting of the City Council, prior to engaging in any of the following:
 1. Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
 2. Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
 3. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
 4. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the City of Lathrop.
 5. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council body pursuant to this chapter.

6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.
 7. Acquiring military equipment through any means not provided by this section.
- B. In seeking the approval of the City Council, the Lathrop Police Department shall submit a proposed military equipment use policy to the City Council and make those documents available on the City's law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.
- C. The City Council shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:
1. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
 2. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
 3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
 4. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.
- D. In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

9.20.030. Annual Report Requirements

- A. The Lathrop Police Department shall submit to the City Council an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use.
- B. The Lathrop Police Department shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use.

- C. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:
1. A summary of how the military equipment was used and the purpose of its use.
 2. A summary of any complaints or concerns received concerning the military equipment.
 3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
 4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
 5. The quantity possessed for each type of military equipment.
 6. If the Lathrop Police Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment
- D. Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the Lathrop Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

9.20.040. Annual Review and Renewal Process of Ordinance Approving the Military Equipment Use Policy

- A. Following submittal of the annual military equipment report required by Section 9.20.030, the City Council shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment.
- B. The governing body shall determine, based on the annual military equipment report submitted, whether each type of military equipment identified in that report has complied with the standards for approval set forth in Section 9.20.20. If the City Council determines that a type of military equipment identified in that annual military equipment report has not complied with the standards required for approval, the City Council shall either disapprove a renewal of the authorization for that type of military equipment or require

modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

Section 2.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability.

If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date.

This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication.

Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance, to be published in full accordance with Section 36933 of the Government Code

THIS ORDINANCE was introduced at a meeting of the City Council of the City of Lathrop on the 16th day of May 2022, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on the 13th day of June 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

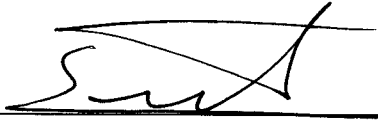
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

California Government Code section 7071(b) requires that law enforcement agencies submit a proposed Military Equipment Use Policy to their governing body for approval. California Government Code §7070(c) provides a list of equipment types that are considered to be "military equipment" for purposes of this policy requirement, and this Military Equipment Use Policy includes information for any such equipment types that are possessed by the Lathrop Police Department, or reasonably likely to be deployed in Lathrop by its law enforcement partners.

706.1.1 DEFINITIONS

California Government Code section 7070(d) defines a Military Equipment Use Policy as a publicly released written document that includes, at a minimum, all of the following:

1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.
6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.

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2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
3. High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
4. Tracked armored vehicles that provide ballistic protection to their occupants.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
8. Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
9. Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
10. Any firearm or firearm accessory that is designed to launch explosive projectiles.
11. Noise-flash diversionary devices and explosive breaching tools.
12. Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
13. TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
14. Kinetic energy weapons and munitions.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

706.2 POLICY

It is the policy of the Lathrop Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 COLLABORATION OR COORDINATION WITH OTHER AGENCIES

Law enforcement agencies responding to a call for mutual aid or who participate in collaboration with Lathrop Police Department within the City of Lathrop shall adhere to their own policies on the use of military equipment.

706.4 POLICY COMPLIANCE

Government Code section 7070 requires that this policy specify the mechanisms to be used by the Department to ensure compliance with this policy. Complaints regarding violations of this policy

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are subject to investigation and discipline in accordance with Policy 1020, and other policies of the Department related to officer discipline. Complaints, questions, or other inquiries can be made as described below in the Public Involvement section. Further, The Chief will designate a Military Equipment Coordinator, whose responsibilities are described herein, which will include assisting with ensuring compliance with this policy.

706.5 PUBLIC INVOLVEMENT

Pursuant to California Government Code §7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment in this policy by any of the following means:

- (a) Via email to: rbechler@ci.lathrop.ca.us
- (b) Via phone call to: (209) 647-6401
- (c) Via mail sent to: Lathrop Police Department Attn: Military Equipment Coordinator, 390 Towne Centre Dr. Lathrop, CA 95330.

The Lathrop Police Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.

706.6 MILITARY EQUIPMENT COORDINATOR

The Chief of Police shall designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Lathrop Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - Publicizing the details of the meeting.
 - Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

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706.7 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

706.8 MILITARY EQUIPMENT INVENTORY

Pursuant to Government Code section 7070(d), the below provides a description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment. This section will include the purposes and authorized uses, the fiscal impact, the legal and procedural rules that govern the use, and the training required, for each type of military equipment. This section of the Military Equipment Use Policy is divided into two sections.

Section One lists qualifying equipment that is owned and/or utilized by the Lathrop Police Department.

Section Two lists qualifying equipment not previously listed in this policy, that is not owned or regularly utilized by the Lathrop Police Department, but which is known to be owned and/ or utilized by the Manteca/Ripon Regional SWAT Team, for which the Lathrop Police Department is a participating agency. While the equipment in Section Two is not purchased, owned, or maintained by the Lathrop Police Department, it could be used in the City of Lathrop if Manteca/Ripon SWAT is deployed, and is therefore included in this Military Equipment Use Policy. It is important to note that Manteca/Ripon SWAT is generally only deployed in extreme circumstances such as active shooter incidents, hostage situations, and the execution of high risk search and arrest warrants. The equipment Manteca/Ripon SWAT possesses is rarely deployed but could prove essential to emergency operations when needed.

706.9 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

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- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

706.10 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

706.11 ANNUAL REPORT

Pursuant to California Government Code §7070(d)(6), and in accordance with California Government Code §7072, the Lathrop Police Department will submit to the Lathrop City Council an Annual Military Equipment Report and will make that report publicly available on its internet website. The Annual Military Equipment Report required by this section will remain publicly available on the City's internet website for as long as the military equipment is available for use. In addition, within 30 days of submitting and publicly releasing an Annual Military Equipment Report pursuant to this section, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting. The Annual Military Equipment Report will include the following information for the immediately preceding calendar year for each type of military equipment:

- (a) A summary of how the military equipment was used and the purpose of its use.
- (b) A summary of any complaints or concerns received concerning the military equipment.
- (c) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- (d) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- (e) The quantity possessed for each type of military equipment.
- (f) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The Lathrop City Council will use the Annual Military Equipment Report as a mechanism to ensure the Lathrop Police Department's compliance with this Military Equipment Use Policy, and to help it

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determine whether to approve, revise, or revoke components of the Military Equipment Use Policy for the subsequent year.

LATHROP POLICE DEPARTMENT EQUIPMENT LIST

Section One: Qualifying Equipment Owned/Utilized by the Lathrop Police Department

Equipment Name: 5.56 mm Semiautomatic Rifles and ammo - CA Gov't Code §7070(c)(10)

Quantity Owned/Sought: 35 owned (16")

Lifespan: 15 years

Equipment Capabilities: The Colt M4 semiautomatic rifle is capable of firing 5.56 mm projectile bullet.

SPEER GOLD DOT .223 CALIBER 62 GRAIN RIFLE ROUND, cost: \$260 per case of 500, quantity: 1700 rounds. Remington ammunition made by Speer is reloadable, features nickel-plated brass cases and Boxer primers, and this is a non-corrosive round. The Gold Dot LE ammunition goes through a process of joining the jacket and core one molecule at a time, thanks to this, Speer eradicates the potential for the leading cause of bullet failure (jacket/core separation). This process will guarantee extraordinary weight retention through barriers as strong as auto-glass. In addition to its remarkable strength, Gold Dot rifle ammunition asserts remarkable accuracy. With exact tolerances and unparalleled bullet uniformity of jacket thickness.

Manufacturer Product Description: Colt MLOK 5.56 CR6920-EPR RIFLE REPL CR6933-EPR W/16" Barrel

- Action: Gas Operated Semi-Auto
- Caliber: 223 Remington/5.56 NATO
- Barrel Length: 16.1"
- Capacity: 30+1
- Trigger: Standard
- Safety: Reversible Safety Selector
- OAL: 35.5"
- Weight: 6.95 lbs
- Stock: Black 4-Position Collapsible
- Metal Finish: Black
- Muzzle: A2 Flash Hider
- Receiver Material: 7075-T6 Aluminum
- Sights: A2 Front, Magpul Rear
- Barrel Description: Chrome-Lined
- Twist: 1:7"
- Purpose: Duty \ Range

LATHROP POLICE DEPARTMENT EQUIPMENT LIST

Throughout the world today, Colt's reliability, performance, and accuracy provide our Armed Forces the confidence required to accomplish any mission. Colt's CR6920 EPR series shares many features of its combat-proven brother, the Colt AR15.

(Description source: LC Action Police Supply | Colt CR6920 Law Enforcement M4 Carbine AR15 (Formerly LE6920) Purpose/Authorized Uses:

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to: (a) situations where the member reasonably anticipates an armed encounter, (b) when a member is faced with a situation that may require accurate and effective fire at long range, (c) situations where a member reasonably expects the need to meet or exceed a suspect's firepower, (d) when a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage, (e) when a member reasonably believes that a suspect may be wearing body armor, (f) when authorized or requested by a supervisor, and (g) when needed to euthanize an animal.

Fiscal Impacts: The initial cost of equipment was approximately \$43,124.81. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Lathrop Police Department Policies on Use of Force and Firearms.

Training Required: Officers must successfully complete a CA POST certified 16-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.

Equipment Name: 40mm Launchers and rounds

Quantity Owned/Sought: 8

Lifespan: 20 years

Equipment Capabilities: 40mm Launchers are utilized by department personnel as a less lethal tool to launch less lethal impact rounds. The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, which are essentially rubber projectiles.

LATHROP POLICE DEPARTMENT EQUIPMENT LIST

Manufacturer Product Description: Defense Technologies 40mm launcher, cost \$872.40 ea. Manufactured exclusively for Defense Technology®, the 40LMT is a tactical single shot launcher with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two-point sling attachment. The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.

- i. Direct Impact 40mm reloadable training Sponge Round – Model 6530 Defense Technology. Approx. 26 rounds. 6530LE-50 40mm Reloadable Training Round provides the same point of impact accuracy as the 40mm munitions it simulates and is the most cost effective way to conduct training. Reloading the munitions takes seconds and one hex key. Product for use on inanimate targets.
- ii. 40mm sponge, smokeless, spin stabilized/Combined Systems. Approx. 29 rounds. Sponge Baton is a spin-stabilized projectile delivering blunt trauma effect. Although it is extremely accurate and consistent, accuracy is dependent on the launcher, using open sights vs. an improved sight, environmental conditions, and the operator. Effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts. The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force option. To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use may include, but are not limited to: (a) self-destructive, dangerous, and/or combative individuals; (b) barricaded suspects; and (c) training exercises.

Fiscal Impacts: The initial cost of this equipment was approximately \$6,979.20. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Lathrop Police Department Policies on Use of Force and Crowd Control.

Training Required: Officers must complete a department certified 40mm course as well as regular training and qualifications as required by law and policy.

LATHROP POLICE DEPARTMENT EQUIPMENT LIST

Section Two: Specialized Equipment Inventory known to be owned and/or utilized by law enforcement agencies with which the Lathrop Police Department collaborates with and/or may require assistance from, in a mutual-aid situation for law enforcement services.

1. Defense Technology 12-Gram Reload Distraction Device

Quantity Owned/Sought: None

Lifespan: Unknown

Purpose/Capabilities/Description: To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage. A non-bursting, non-fragmenting distraction device that produces a thunderous bag with an intense bright light. Ideal for distracting dangerous suspect during assaults, hostage rescue, room entry, or other high-risk arrest situations. The distraction device produces 175 dB of sound output at 5 feet and 6-8 million candelas for 10 milliseconds.

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: The equipment is utilized for official law enforcement purposes and pursuant to State and Federal law.

Training Required: None, Equipment owned, maintained, and operated by another agency.

2. ICore Mini Robots

Quantity Owned/Sought: None

Lifespan: Unknown

Purpose/Capabilities/Description: The iCore Mini is an unmanned machine which operates on the ground utilized to enhance the safety to the community and officers. The iCore Mini can be hand carried or transported inside a rucksack, and can be remotely operated from many hundreds of meters away, providing protection and safety to their operators. To be used to remotely gain visual/audio data, deliver HNT phone, open doors, disrupt packages, and clear buildings.

LATHROP POLICE DEPARTMENT EQUIPMENT LIST

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: The equipment is utilized for official law enforcement purposes and pursuant to State and Federal law.

Training Required: None. Equipment owned, maintained, and operated by another agency.

3. Non-handheld battering rams, slugs and breaching equipment apparatuses that are explosive in nature - CA Gov't Code §7071(c)(7)

Quantity Owned/Sought: None

Lifespan: Unknown

Purpose/Capabilities/Description: Explosive breaching tools are used to breach fortified structures to establish a point of entry. Explosive charges are fashioned to produce little to no fragmentation at the time of detonation. Explosive breaching effectively reduces the time spent overcoming a fortified door or structure. The reduction in time mitigating a hardened structure increasing officer safety and the element of surprise. Blast injuries are reduced by using low yield explosives that mechanically overcome door frames and locking mechanisms. Explosive breaching mandates extensive schooling and certification processes

Avon frangible shotgun ammunition, Detonating Cords, and Blasting Caps are used to breach doors and points of entry on fortified doors or structures. The equipment is used to safely gain entry into a structure.

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: The equipment is utilized for official law enforcement purposes and pursuant to State and Federal law.

Training Required: None. Equipment owned, maintained, and operated by another agency.

LATHROP POLICE DEPARTMENT EQUIPMENT LIST

4. Command and Control Vehicles used to facilitate the operational control and direction of public safety units – CA Gov't Code §7071(c)(4)

Quantity Owned/Sought: None

Lifespan: Unknown.

Purpose/Capabilities/Description: Command vehicles are built in various platforms to include ½ ton pickup chassis, vans, trailers, and RV style configurations. Vehicles are built to better assist in command and control during law enforcement operations, natural disasters, and public safety issues. Vehicles are designed with additional communication abilities, computers, white boards, lightening, generators, and mission essential supplies.

Fiscal Impact: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: Use shall be in accordance with California State and Federal law.

Training Required: None, Equipment owned, maintained, and operated by another agency.

5. Unmanned Aircraft System (UAS)

Quantity Owned/Sought: None.

Lifespan: Unknown

Purpose/Capabilities/Description:

- Major collision investigation, search for missing persons, natural disasters
- Vehicles are capable of being remotely navigated to provide scene information and intelligence in the form of video and still images transmitted to first responders.
- Gain visual/audio data and remotely clear buildings and structure
- Unmanned robotics have numerous applications and are used instead of personnel in high-risk environments to increase safety for law enforcement

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: Use shall be in accordance with California State and Federal law regarding the operation of UAS vehicles, and in a manner that respects the privacy of our community.

Training Required: None. Equipment owned and, operated by another agency.

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6. The Armored Group, Ballistic Armored Tactical Transport (BATT)

Quantity Owned/Sought: None.

Cost: None.

Lifespan: Approximately 25 years.

Purpose/Capabilities/Description:

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents. The BATT, is an armored vehicle that seats 10-12 personnel with an open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor.

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: Use shall be in accordance with California State and Federal.

Training Required: None. Equipment owned and, operated by another agency.

7. Remington 870 Less Lethal Launcher/Drag Stabilized 12- Gauge Bean Bag Round

Quantity Owned/Sought: None.

Cost: None.

Lifespan: Approximately 25 years.

Purpose/Capabilities/Description:

Less Lethal Shotgun is used to deploy the less lethal 12-gauge Drag Stabilized Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of De-escalation.

The 12-Gauge Drag Stabilized round is comprised of a translucent 12-Gauge shell loaded with a 40 gram, tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four (4) stabilizing tails. The 12-Gauge drag stabilized round utilizes smokeless powder as the propellant. Drag Stabilized rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the

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approved distance of not fewer than 20 feet. The maximum effective range of this munition is up to 75 feet from the target.

This less lethal weapon is used to limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: Use shall be in accordance with California State and Federal.

Training Required: None. Equipment owned and, operated by another agency.

8. Remington 700 .308 Caliber Rifle, PWS MK111 Mod 1-M Rifle, .223 Caliber Rifle, Hornady Tap Urban, .223 Caliber, 60 Grain Rifle Round, Hornady Match Tap Precision .308 Caliber, 155 Gr. ELD Rifle Round, Hornady Tap Urban .308 Caliber, 110 Gr. Rifle Round, Hornady Tap Heavy Barrier .308 165 Gr. Barrier Rifle Round.

Quantity Owned/Sought: None.

Cost: None.

Lifespan: Unknown.

Purpose/Capabilities/Description:

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: Use shall be in accordance with California State and Federal.

Training Required: None. Equipment owned and, operated by another agency.

9. Defense Technology, Riot Control Continuous Discharge Grenade, CS #1082

Quantity Owned/Sought: None.

Cost: None.

Lifespan: Unknown.

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Purpose/Capabilities/Description:

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: Use shall be in accordance with California State and Federal.

Training Required: None. Equipment owned and, operated by another agency.

10. Defense Technology, Flameless Tri-Chamber CS Grenade, #1032

Quantity Owned/Sought: None.

Cost: None.

Lifespan: Unknown.

Purpose/Capabilities/Description:

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

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Legal/Procedural Rules Governing Use: Use shall be in accordance with California State and Federal.

Training Required: None. Equipment owned and, operated by another agency.

11. PepperBall Full Tactical Carbine (FTC)

Quantity Owned/Sought: None.

Cost: None.

Lifespan: Unknown.

Purpose/Capabilities/Description:

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

Situations for use of the less lethal weapon systems may include but, are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

Fiscal Impacts: None. Equipment owned, maintained, and operated by another agency.

Legal/Procedural Rules Governing Use: Use shall be in accordance with California State and Federal.

Training Required: None. Equipment owned and, operated by another agency.

MAINTENANCE OF MILITARY USE SUPPLY LEVELS:

When stocks of military equipment have reached significantly low levels or have been exhausted, the Department may order up to 10% of stock in a calendar year without City Council approval to maintain essential availability for the Department's needs.

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